IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2065 OF 2005.

Uttam Singh Abanandan Singh. .. Applicant.

Vs

State of Maharahstra & Anr. .. Respondents

Shri G.R.Dwivedi, for the applicant.

Shri A.S.Gadkari, APP, for the respondent-State.

CORAM: A.M.KHANWILKAR,J

DATED: APRIL 11, 2005.

P.C.:

1. Heard the counsel for the parties.

2. Perused the record.

3. The applicant apprehends the arrest in connection with the offence registered with the Dadar Police Station in C.R. No.39 of 2005, punishable under section 420 r/w 34 of the Indian Penal Code.

4. The prosecution case is that the applicant collected huge money from persons, assuring them of securing job in Merchant Navy and other private

organisation. This complaint has been lodged by one Jagan Alphanso, who claims to have parted about Rs.1,90,000/-to the applicant. During the course of the investigation, it transpired that similar grievance is being made by others who have become victim to the trap laid by the applicant such as one Gangalla Rao who parted about Rs.1,50,000/-, Nishant Vijay who has partied about Rs.1,10,000/-.

5. To get over this position, the counsel for the applicant submits on the basis of the documents in his possession that the applicant is making sincere efforts to procure jobs for the concerned aspirants and wherever it is not possible to fulfil the commitments, the amount has been returned to the incumbent. To mention that sum of Rs.1,11,000/- was refunded to Manohar Dinkar on 25th January, 2005, sum of Rs.1,70,000/- was refunded to Raju Prabhakar on 28/2/2005, Rs.1,43,000/- was refunded to Gangalla Rao, Rs.1,05,000/- to Ajit Kumar Amarsingh on 23/3/2005. The fact remains that the allegations against the applicant, makes out serious offence. The learned APP has relied on the statement of Gangalla Rao given to the police which indicates that although, the applicant has paid Rs.60,000/-, has secured receipt in writing to the extent of Rs.1,43,000/-.

6. In any case, it is common ground that the applicant has not returned the entire amount to Jagan Alphanso and Nishant Vijay. In fact, cheque was issued in favour of the said Jagan in the sum of Rs.75,000/- which has bounced. All these aspects are before the investigating officer and the offence being serious one, this is not a fit case for anticipatory bail.

. Hence, rejected.

7. During the pendency of this application, it was brought to the notice of this court that the applicant has secured letters from the then Minister addressed to the Personal Manager ULVA Ship Management. That had recommended consideration of candidature of Gangalla Rao for the post of General Steward. Statement of the signatory of the said letter has been recorded which indicates that the said letter has been issued by him. He has issued said letters to many such person who approached for such recommendation without knowing the incumbents. He had stated tht he has no acquaintence with the applicant either.

8. Needless to mention that observations made in this order shall not influence the consideration of regular bail application and the same shall be decided

on its own merit.